IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CRIMINAL MISC. PETITION NO.2136/07

Abdul Munir **Versus** State & Ors.

DATE OF ORDER :: 06/12/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Satish Pachori, for petitioner
Mr. Arun Sharma, Public Prosecutor for State

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Instant petition has been filed by petitioner, who is facing trial for offence u/s.138 of Negotiable Instruments Act. Application was filed for summoning the record of 2000, 2001 & 2002 which is essential for his defence was rejected by learned trial Judge and the revisional court was also not inclined to accept his contention under its order dated 7th September, 2007.

A private complaint was filed by respondent No.3 in which it was alleged that a cheque of Rs.20,000/- issued by borrower petitioner on 31st March, 2005 on its presentation was dishonoured and after serving notice, complaint was filed by him on which learned trial Judge took cognizance against him u/s.138 of the Act. Application appears to have been filed at the stage after the statement of complainant was recorded and so also of petitioner u/s.313 at the stage when defence evidence was to be recorded. Learned trial Judge in his order observed that the cheque, which is

in question for which complaint has been filed by complainant, is of March, 2005 and the record which petitioner wants to be summoned of 2000, 2001 & 2002 for the alleged construction which has taken place, is not in any manner relevant for examining the offence which petitioner has committed and it has no direct nexus. The court of revision also considered his grievance and it has come on record that cheque was dishonoured on the premise that account holder has closed his bank account.

This court has gone through the order impugned and does not find any infirmity which may call for interference.

Consequently, the misc. petition fails and is hereby dismissed.

[AJAY RASTOGI],J.